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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

12 STUART GREENBERG,
13 Plaintiff,
14 v.
15 TARGET CORPORATION and DOES 1 to
16 50,
17 Defendants.

Case No. 3:22-cv-1334

**NOTICE OF REMOVAL BY
DEFENDANT TARGET CORPORATION**

Action Filed: July 13, 2021

18 TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
19 THE NORTHERN DISTRICT OF CALIFORNIA:

20 PLEASE TAKE NOTICE that Defendant TARGET CORPORATION (referred to herein
21 as “Target Corporation”), by and through its attorneys of record, hereby remove to this Court the
22 state court action described below.

23 1. On or about July 13, 2021, Plaintiff STUART GREENBERG (“Plaintiff”) filed a
24 Complaint in the Superior Court of the State of California, County of san Mateo under case
25 number 21-CIV-03784 (the “Action”), naming Target Corporation as a Defendant. [See Plaintiff’s
26 Complaint, attached hereto as **Exhibit A.**]

27 2. Plaintiff’s Complaint contains two Causes of Action, one for General Negligence
28 and one for Premises Liability.

1 as stated below:

2 10. **Plaintiff's Citizenship:** Plaintiff is a resident of the State of California and resides
3 in the County of San Mateo. For purposes of evaluating diversity, a person is a "citizen" of the
4 state in which he or she is domiciled. See *Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088 (9th
5 Cir. 1983); see also *Kantor v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001) (a person's
6 domicile is the place she resides with the intent to remain.) Accordingly, Plaintiff is a citizen of
7 the State of California.

8 11. **Defendant's Citizenship:** For purposes of diversity jurisdiction, a corporation
9 "shall be deemed to be a citizen of every State. . .by which it has been incorporated and of the
10 State. . .where it has its principal place of business. . . ." 28 U.S.C. § 1332(c)(1). Defendant is a
11 corporation incorporated under the laws of the State of Minnesota, with its headquarters and its
12 principal place of business in Minneapolis, Minnesota. Target's Executive Officers and senior
13 management, including, but not limited to, the Chief Executive Officer, Chief Operating Officer,
14 Chief Financial Officer, Chief Legal Officer, Chief Marketing Officer, Chief Human Resources
15 Officer, and Chief Stores Officer, were and are located at Target Headquarters in Minnesota. At
16 all times material hereto, Target's managerial and policymaking functions, including, but not
17 limited to, finance, marketing, merchandising, legal, technology services, store operations, human
18 resources, and property development, were and are performed at and promulgated from Target
19 Headquarters in Minnesota. Accordingly, Target is a citizen of Minnesota. *See, e.g., Hertz Corp.*
20 *v. Friend*, 559 U.S. 77, 92-93 (2010) ("We conclude that 'principal place of business' is best read
21 as referring to the place where a corporation's officers direct, control, and coordinate the
22 corporation's activities."); *Breitman v. May Co. Cal.*, 37 F.3d 562, 564 (9th Cir. 1994)
23 (corporation was citizen of state in which its corporate headquarters were located and where its
24 executive and administrative functions were performed.)

25 12. Target is the only named Defendant in this action. Plaintiff has neither identified
26 nor served any other Defendants who might be included as "DOES 1-50."

27 13. Because Plaintiff is a citizen of a state different than Target Corporation, minimal
28 diversity exists for purposes of establishing jurisdiction. See 28 U.S.C. § 1332(a)(1).

AMOUNT IN CONTROVERSY EXCEEDING \$75,000

14. This Court has jurisdiction over this case because the amount placed in controversy by Plaintiff's alleged claims exceeds \$75,000.00, exclusive of interests and costs. See 28 U.S.C. § 1332(a).

15. Plaintiff's statement of damages claim damages in excess of \$75,000.00 in general damages thus satisfying the amount-in-controversy requirement to invoke federal diversity jurisdiction.

NOTICE TO PLAINTIFF AND STATE COURT

16. Pursuant to 28. U.S.C. section 1446(d), with the filing of this Notice of Removal with this Court, written notice of such filing will be promptly given by the undersigned to Plaintiff, and the copy of the Notice of Removal will be promptly filed with the Clerk of the County of San Mateo.

NOTICE TO ADVERSE PARTIES

17. Target Corporation's Notice to Adverse Party of Notice of Removal will be promptly filed in Action No RG21110499 of the Alameda County Superior Court.

18. Pursuant to the provisions of 28 U.S.C. § 1446, Target Corporation attaches herewith and incorporates herein by reference, copies of the following documents served by the parties in this action:

- a) Plaintiff's Complaint [**Exhibit A**].
- b) Defendant's Answer to Plaintiffs' Complaint [**Exhibit B**].
- c) Plaintiff's counsel's email dated February 4, 2022 [**Exhibit C**].
- d) Plaintiff's Amended and Supplemental Responses to Form Interrogatories [**Exhibit**

D].

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PRAYER

WHEREFORE, TARGET CORPORATION prays that the above-entitled action, formerly pending in the Superior Court of California, County of Alameda be removed therefrom to the United States District Court for the Northern District of California and that this action proceed in that Court as an action properly removed thereto.


DEMAND FOR JURY

Target Corporation hereby demands a jury for all claims in this action.

DATED: March 2, 2022

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

By: _____


Chandra A. Carr
Attorneys for Defendant,
TARGET CORPORATION

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